

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5834 of 2015 (D)

PETITIONER(S):

1. ANOOP C.K.,
S/O SASIDHARAN C.K., CHETTERIKUNNATH HOUSE,
MELMURI AMSOM, DOWN HILL, MALAPPURAM.
2. MUHAMMED SHAREEF,
S/O UNNEEN, THACHARAKUNNUMMAL HOUSE,
VALLIKKAPATTA P.O., MALAPPURAM DISTRICT.

**BY ADVS.SRI.P.J.JUSTINE
SRI.K.R.ARUN
SMT.GIA MATHAI KANDATHIL**

RESPONDENT(S):

1. MANAT RADHAKRISHNAN, AGED 34 YEARS,
S/O KRISHNAN NAIR, MANAT HOUSE, CHEMMAD,
TIRURANGADI, MALAPPURAM DISTRICT-676 505.
2. THE DEPUTY THAHASILDAR,
REVENUE RECOVERY, ERANADU-676 505.
3. THE DISTRICT COLLECTOR,
MALAPPURAM-676 505.

R2 & R3 BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 5834 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE PHOTOCOPY OF THE AWARD DATED 8.11.2011 IN O.P.(MV)
NO.757/2009 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR.**

EXHIBIT P2: THE TRUE COPY OF IDENTITY CARD OF IST PETITIONER.

**EXHIBIT P3: THE TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.5834 of 2015

.....
Dated this the 24th day of February, 2015

J U D G M E N T

The petitioners, who are faced with recovery proceedings for recovery of the amounts confirmed against them by the Motor Accidents Claims Tribunal, Tirur, in OP (MV) No.757 of 2011, have approached this Court seeking the grant of instalments for effecting the payments demanded of them.

2. I have heard Sri.P.J.Justine, the learned counsel for the petitioners and Sri.Sudheesh Kumar, the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

i. The total amounts due from the petitioners to the respondents is stated to be Rs.98,000/- together with accrued interest and other charges. Accordingly, if the petitioners

pay the aforesaid amount of Rs.98,000/- together with accrued interest and other charges in six equal and successive monthly instalments commencing from 05.03.2015, then further proceedings for recovery shall be kept in abeyance.

ii. It is made clear that if the petitioners commit a default in respect of any of the instalments, they will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against them from the stage at which they currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

